

## REMARKS

Claims 1-40 are pending. Claims 41-60 were withdrawn pursuant to an election by the Applicants to prosecute claims 1-40 due to a restriction requirement made by the Examiner.

Claims 1-20 and 35 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to delete the phrase "the emission control system". Claim 6 has been cancelled. Therefore, claims 1-5, and 7-20 as amended are in compliance with 35 U.S.C. §112, second paragraph.

Claim 35 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this instance, the claim language of claim 35 refers to the pressure "in" said formation press, not the pressure "exerted by" said formation pressure, and not an evacuation/suction pressure measured during the heat pressing operation. Typically, in the method of the present invention there is no external gaseous media under pressure, for example in the form of injected steam, which is introduced into the product formation area. As opposed to the prior art methods wherein a gaseous media under external pressure, such as in the form of injected steam or the like, is introduced into the formation press and thereby raising the pressure in the formation press to pressures of at least about 100 psi, the pressure of claim 35 is the gaseous pressure generated in situ by the hot pressing of lignocellulosic product in the emission press system during the product formation operation. It is this pressure which preferably does not exceed 50 psi. Therefore, claim 35 is not indefinite since it does relate to the pressure measured in the emission press system.

Claims 1-3, 5-7, 9-23, 25-27 and 29-40 are rejected under 35 USC §103(a) as being unpatentable over WO 00/25999 in view of Bonomo, et al. (US 5,980,798). The Examiner has not made a *prima facie* case that the claims pending in this application are obvious. This rejection is traversed for the reasons set forth below.

WO 00/25999 does not suggest or teach the claimed invention for the reasons set forth above. Here are some of the differences between the above rejected claims and the method of the WO 00/25999 reference. In the method of claim 1, at least about 50 % of the VOC and HAP emissions produced are withdrawn during the formation of the lignocellulosic product. The amount of VOC and HAP removed is limited to that quantity which is produced during

the claimed pressing operation in which the lignocellulosic product is formed. A significant amount of VOC and HAP is not liberated from the product of the present invention and therefore does not have to be withdrawn. The method of the WO 00/25999 reference, on the other hand, is conducted in the presence of high pressure steam which is injected into the formation area. Therefore, there is substantially more VOC and HAP produced when the WO 00/25999 reference method is employed. Therefore, the fact that VOC and HAP are not withdrawn during high pressure method of WO 00/25999 reference creates an even more substantial recovery problem with respect to VOC and HAP emissions. It also allows the method of the claimed invention to be conducted in a more effective and efficient manner than in WO 00/25999. In claim 2 method, VOC and HAP emissions are continuously withdrawn from the formation press during the formation of the lignocellulosic product. VOC and HAP emissions are continuously recovered during the formation of the lignocellulosic product in claim 3. In the method of claim 5, the VOC and HAP emissions from the formation press are withdrawn during the formation of the lignocellulosic product commencing no later than when the VOC and HAP emissions are formed. According to claim 6, prior to the recovery step, a substantial portion of the VOC and HAP emissions are withdrawn which escape from the product formation press. Claim 7 relates to a method in which the VOC and HAP emissions are withdrawn from the formation press under vacuum. In the WO 00/25999 reference, the VOC and HAP emissions produced are not removed or recovered or withdrawn during product formation, and are not withdrawn under vacuum.

The Bonomo, et al. reference does not suggest or teach the claimed invention as well. Bonomo, et al. employ external air to purge the formation system prior to steam injection. The subject method does not employ either external air or steam injection. Bonomo, et al. is a sealed system which employs high-pressure steam to cure the resin used to form the boards. Applicants do not employ a sealed system but instead provide a “closed” system which is not under high pressure, and which continuously recovers VOC and HAP emissions produced during product formation. Sealed systems are a major problem because of the risk of explosion. The claimed method is directed to a low-pressure system which does not reach the high steam pressures required for curing. In the Bonomo, et al. reference, the VOC and HAP emissions produced are not removed or recovered or withdrawn during product formation, and are not withdrawn under vacuum.

The Examiner's rejection under 35 U.S.C. 103(a) constitutes hindsight reconstruction based on the applicant's own claims. Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by

combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed.

In summary, for the reasons set forth above, neither the WO 00/25999 nor the Bonomo, et al. references, alone or in combination, do not teach or suggest the invention set forth in claims 1-3, 5-7, 9-10, 21-23, 25-27 and 29-32.

Claims 1-3, 5-7, 9-10, 21-23, 25-27 and 29-40 are rejected under 35 USC §103(a) as being unpatentable over Bonomo, et al. (US 5,980,798) in view of WO 00/25999. The Examiner has not made a prima facie case that the claims pending in this application are obvious. This rejection is traversed for the reasons set forth below.

Bonomo, et al. does not suggest or teach the claimed invention for the applicable reasons set forth above. WO 00/25999 does not suggest or teach the claimed invention for the applicable reasons set forth above.

The Examiner's rejection under 35 U.S.C. 103(a) constitutes hindsight reconstruction based on the applicant's own claims. Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed.

In summary, for the reasons set forth above, neither the Bonomo, et al. nor the WO 00/25999 references, alone or in combination, do not teach or suggest the invention set forth in claims 1-3, 5-7, 9-10, 21-23, 25-27 and 29-40.

Claims 1-7, 9-10, 21-27 and 29-32 are rejected under 35 USC §103(a) as being unpatentable over Breiter, et al. (US 4,854,994) in view of WO 00/25999.

The Examiner has not made a prima facie case that the claims pending in this application are obvious. This rejection is traversed for the reasons set forth below.

The Breiter et al. reference does not suggest or teach the claimed invention. Breiter et al. employs external steam injection at high pressure for hot pressing industrial laminates. The subject method does not include externally introduced steam injection. Breiter et al. is a sealed system which uses high-pressure steam to cure the resin utilized to form the laminates.

Applicants' do not make use of a sealed system, but instead continuously recover VOC and HAP emissions formed during product formation. As previously stated, sealed systems are a major problem because of the risk of explosion. The claimed method is directed to a low-pressure system which does not reach the high steam pressures required for curing. In the Breiter et al. reference, VOC and HAP emissions are not removed or recovered or withdrawn during product formation, and are not withdrawn under vacuum.

WO 00/25999 does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the WO 00/25999 reference have been discussed above.

The Examiner's rejection under 35 U.S.C. 103(a) is based on hindsight reconstruction using the applicant's own claims. Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed.

In summary, for the reasons set forth above, neither Breiter, et al nor WO 00/25999 teach or suggest the invention set forth in claims 1-7, 9-10, 21-27 and 29-32.

Claims 4 and 24 are rejected under 35 USC §103(a) rejected under 35 USC §103(a) as being unpatentable over the references set forth in numbered paragraph 9 or 10 as applied to claim 1 or 21 above, and further in view of Tisch (US 5,433,905) and Camp, III (US 3,992,135).

The Examiner has not made a *prima facie* case that the claims pending in this application are obvious. This rejection is traversed for the reasons set forth below.

WO 00/25999 and Bonomo, et al. does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the WO 00/25999 and the Bonomo, et al. references have been discussed above.

The Tisch reference does not suggest or teach the claimed invention as well. Tisch is directed to a cementitious-containing particulate board which employs externally introduced steam or gas injection at high pressure to cure the cementitious material. The subject method does not employ either external high-pressure steam or gas injection. High-pressure gas can cause explosions to occur in the board formation area. Applicants continuously recover VOC and HAP emissions produced during product formation. The claimed method is directed to a

low-pressure system which does not reach the high steam pressures required for curing. In the Tisch reference, the VOC and HAP emissions produced are not removed or recovered or withdrawn during product formation, and are not withdrawn under vacuum.

Camp III employs a dielectric heating source to heat external high-pressure air for use as the external curing source for the resin component of a board product. In the Camp III reference, any VOC and HAP emissions produced are not removed or recovered or withdrawn during product formation, and are not withdrawn under vacuum. The use of a high pressure-curing medium presents all of the problems enumerated above.

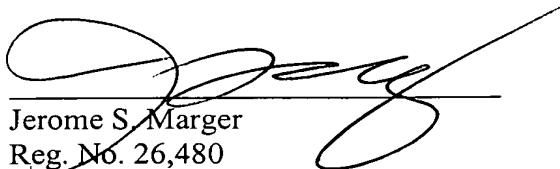
The Examiner's rejection under 35 U.S.C. 103(a) comprises hindsight reconstruction based on the applicant's own claims. Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed.

In summary, for the reasons set forth above, neither the WO 00/25999 nor the Bonomo, et al. references, in view of Tisch and Camp, III, teach or suggest the invention set forth in claims 4 and 24.

For the foregoing reasons, reconsideration and allowance of claims 1-5 and 7-40 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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